

DISPOSITION: December 30, 1947. Default decree of condemnation. The product was ordered delivered to a public institution for the use of that institution.

2338. Misbranding of Viavi Capsules, Viavi Liquid, and Viavi Emulsion. U. S. v. 75 Packages, etc. (F. D. C. No. 20557. Sample Nos. 42020-H to 42022-H, incl.)

LIBEL FILED: July 22, 1946, District of Columbia.

PRODUCT: 575 packages of *Viavi Capsules*, 900 bottles of *Viavi Liquid*, and 100 bottles of *Viavi Emulsion*, which were in interstate commerce in the District of Columbia, in the possession of the Eastern Viavi Co., Washington, D. C.

LABEL, IN PART: "Viavi Capsules * * * Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Oxyquinolin Benzoate, Tannin," "Viavi Liquid Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Tincture Capsicum, Poke Root, Glycerine," or "Viavi Emulsion * * * Contains actively, Mineral Oil, Hydrastine and Berberine in Extract of Hydrastis, Colloidal Kaolin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in accompanying booklets entitled "How to Use Viavi," "What Viavi Is," "The Truth About Laxatives," "Are You on the Borderline," and "A Helping Hand to Health" were false and misleading. These statements represented and suggested that *Viavi Capsules* and *Viavi Liquid* were effective to relieve congestion and establish better circulation in mucous membranes; that *Viavi Capsules* were effective to relieve congested conditions of pelvic mucous membranes and adjacent tissues; that *Viavi Liquid* was effective to relieve dullness of hearing due to a catarrhal type of congestion in the ear or relieve profuse secretion, congestion, and soreness through the pelvic region; and that *Viavi Emulsion* was effective to sooth the irritated colon membranes and remove or destroy bacterial poisons and irritants from the intestines. The articles were not effective for the purposes represented.

DISPOSITION: The Eastern Viavi Co., claimant, having applied for removal of the case for trial to the Eastern District of Wisconsin, an order was entered on September 10, 1946, directing such removal. On April 5, 1948, the claimant having consented to an entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

2339. Misbranding of sassafras root bark. U. S. v. 20 Cartons * * *. (F. D. C. No. 21040. Sample No. 53043-H.)

LIBEL FILED: September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 30, 1946, By C. Lee Tea Co., from Huntington, W. Va.

PRODUCT: 20 cartons, each containing 25 1/2-ounce packages, of sassafras root bark at Akron, Ohio.

LABEL, IN PART: "Red Sass-Frass Tea."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in a circular enclosed with the article were false and misleading, since they represented and suggested that the article was effective to maintain health and would be effective in the treatment, prevention, and cure of ague, colds, scurvy, chronic rheumatism, skin disease, and syphilis. The article would not be effective for such purposes.

DISPOSITION: December 11, 1947. The C. Lee Tea Co. having filed an answer, but having failed to appear at the trial of the case, judgment of condemnation was entered and the product was ordered destroyed.

2340. Misbranding of Egyptian Herb Tea. U. S. v. 59 Boxes * * * and 1,500 Circulars. (F. D. C. No. 23681. Sample No. 89530-H.)

LIBEL FILED: September 9, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about May 27, 1947, by the Egyptian Tea Co., from Akron, Ohio.

PRODUCT: 59 2-ounce boxes of *Egyptian Herb Tea* at Huron, S. Dak., together with 1,500 circulars entitled, "Egyptian Herb Tea A Natural Laxative." Examination showed that the product consisted essentially of plant material, including a laxative drug such as senna.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading, since they represented that the article was safe; that it was a cure for constipation; and that it would promote sleep, soothe the nerves, clean the intestines, and digest food. The article was not safe and would not fulfill the promises of benefit stated and implied.

DISPOSITION: October 21, 1947. Default decree of condemnation and destruction.

2341. Misbranding of Sul-Ray Colloidal Sulphur Mineral Baths. U. S. v. 218 Cartons * * *. (F. D. C. No. 18266. Sample No. 21361-H.)

LIBEL FILED: On or about November 6, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 9, 1944, by the Sante Chemical Co., from New York, N. Y.

PRODUCT: 218 cartons of *Sul-Ray Colloidal Sulphur Mineral Baths* at Kansas City, Mo. Examination disclosed that the product consisted essentially of sodium sulfate, carbonate and phosphate, borax, and sulfur.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article was false and misleading in the same respect as that of the article in the case reported in notices of judgment on drugs and devices, No. 2283.

DISPOSITION: January 11, 1946. Default decree of destruction.

2342. Misbranding of Durmaseptic. U. S. v. 37 Cartons * * * and 43 Posters. (F. D. C. No. 23853. Sample No. 24005-K.)

LIBEL FILED: October 17, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about August 15 and 22, 1947, by Durma Products Co., Minneapolis, Minn.

PRODUCT: 37 dozen cartons, each containing 1 jar, of *Durmaseptic* and 43 posters entitled "Here's Guaranteed Relief for Athletes Foot and other Skin Irritations," at La Crosse, Wis. The article consisted essentially of aspirin, methyl salicylate, and eugenol in an ointment base.

LABEL, IN PART: (Jar) "*Durmaseptic* * * * Active Ingredients: Acetylsalicylic Acid, Methyl Salicylate, Eugenol—in a suitable base."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the carton, on the jar and circular enclosed in the carton, and on a poster were false and misleading, since such statements represented and suggested that the product would be effective in the treatment of acne, burns, callouses, itching and burning dermatitis, all fungous infections, including jungle rot and ringworm, dandruff, psoriasis, arthritis, rheumatism, and boils and impetigo, and that it would be effective for local application to the skin in treating skin disorders. The product would not be effective for such purposes.

Further misbranding, Section 502 (b) (2), the carton label failed to bear an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient, since no statement of ingredients appeared on the carton label, and on the jar label acetylsalicylic acid had not been declared by its common or usual name, aspirin.

DISPOSITION: December 5, 1947. Default decree of forfeiture and destruction.

2343. Misbranding of Cloro devices. U. S. v. Lawrence P. Dickey (The L. P. Dickey Co.) Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 6 months. (F. D. C. No. 23567. Sample No. 40688-H.)

INFORMATION FILED: October 7, 1947, District of Arizona, against Lawrence P. Dickey, trading as the L. P. Dickey Co., Tucson, Ariz.

ALLEGED SHIPMENT: On or about July 25, 1946, from the State of Arizona into the State of Missouri.

PRODUCT: This device was essentially an electrolytic cell for the manufacture of chlorine gas, with a motor and fan for blowing the gas out of an aperture.

LABEL, IN PART: "Cloro Roh Radio Co. * * * Tucson, Arizona."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular entitled "Here's to Your Health," which was received from the defendant by the consignee at approximately the time of the receipt of the devices, were false and misleading. These statements represented and suggested that the devices would be efficacious in the treatment of sinus, arthritis, hay fever,